

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SOCIAL WELFARE DEPARTMENT – Allegations against certain Gazetted and Non-Gazetted Officers of the O/o. Deputy Director (SW), Warangal District – Regarding certain serious financial irregularities in the maintenance of Hostels / Institutions during the year 1991-92, 1992-93 & 1993-94 – Disciplinary action initiated by framing Charge Memo against Sri D. Sayanna, ASWO (Retired) Warangal District & Sri D. Chandraiah, formerly ASWO Warangal, retired as DSWO, Karimnagar District – Review WP.MP.No.21869/2010 in WP.No.5152/2005 and Review WP MP No.21870/2010 in WP.No.5223/2005, filed by Sri D. Sayanna, ASWO (Retired) & Sri D. Chandraiah, DSWO (Retired) – OA No.1589/2011 & OA.No.1581/2011, filed by Sri D. Sayanna & D. Chandraiah in the Hon'ble APAT – Sanction of all retirement benefits to both the Officers - Orders – Issued.

SOCIAL WELFARE (SER.III.1) DEPARTMENT

G.O.Rt.No. 727

Dated: 13-09-2011.

Read the following:-

1. Proceedings of the Commissioner of Social Welfare, A.P., Hyd., in Procs.No.J2/3024/1995-4, Dated 10.05.2002.
2. Proceedings of the Commissioner of Social Welfare, A.P., Hyd., in Procs.No.J2/3024/1995-7, Dated 10.05.2002.
3. Hon'ble High Court of A.P., Hyd., Review WP MP No.21870/2010 in WP.No.5223/2005 and Review WP MP No.21869/2010 in WP No.5152/2005, filed by Sri D. Sayanna and Sri D. Chandraiah (both retired ASWO & DSWO).
4. From the Commissioner of Social Welfare, A.P., Hyderabad, letter Rc.No.J1/3024/1995, Dated 24.09.2010.
5. APAT order dt.18.3.2011 in OA.Nos.1581/2011 & 1589/201 filed by Sri D. Chandraiah & Sri D.Sayanna ASWO (both retired officers)

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ORDER :

Whereas on receipt of credible information that the Wardens/ Matrons of Social Welfare Hostels in Warangal District committed certain serious financial irregularities in the maintenance of Hostels / Institutions during the year 1993-94. The Joint Director (Vigilance), O/o. the Commissioner of Social Welfare, A.P., Hyd., conducted a preliminary enquiry. The enquiry report revealed that there was misappropriation of Government funds to a tune of Rs.109.50 lakhs during the year 1993-94 and the Deputy Director (SW), DSWO, ASWOs and Wardens / Matrons along with some Treasury Officials were involved in misappropriation of Government funds. Also it was found that as against (94) Social Welfare Hostels, (32) S.W Hostels were involved in misappropriation and it was decided to initiate action against the other Wardens / Matrons as per CC&A Rules, in case, they are found responsible for committing financial irregularities in the maintenance of the hostels / institutions basing on the special audit proposed for the financial years, 1991-92, 1992-93 & 1993-94.

2. Based on the preliminary enquiry report submitted by the Commissioner of Social Welfare, A.P., Hyderabad, (32) Wardens / Matrons of SW Hostels were placed under suspension and definite charges were framed against them and also against the ASWO's concerned. After receipt of the explanations from the Charged Officers, the Assistant Director (Legal Cell), O/o. Commissioner of Social Welfare was appointed as common enquiry officer under Rule, 24 (1) of APCS (CC&A) Rules vide Procs.No.M1/21006/94, dated.4-6-1995 to conduct detailed enquiry. The Assistant Director (Legal Cell) submitted his report on 30-12-1995. The District Collector, Warangal, who is the disciplinary authority in respect of Wardens / Matrons has initiated disciplinary action against them. The Commissioner of Social Welfare, A.P., Hyd., who is the disciplinary authority in respect of ASWOs/DSWOs.

(P.T.O...)

3. In view of the high magnitude and serious nature of the defalcation of Government funds and involvement of as many as (32) Wardens / Matrons and the ASWOs , including Sri D. Sayanna, ASWO (Retired) and Sri D. Chandraiah, DSWO (Retired) disciplinary action was initiated.

4. The Commissioner of Social Welfare, A.P., Hyderabad has issued charge memos to Sri D. Sayanna and Sri D. Chandraiah in the proceedings 1st and 2nd read above. Though the Joint Director (Hostels) O/o. the Commissioner of Social Welfare was appointed as an Enquiry Officer to inquire into the charges framed against the ASWO's vide Commissioner of Social Welfare office proceedings Rc.No.J2/3024/95, dated 23-06-2003, the enquiry could not be conducted due to the reasons that Sri D. Chandraiah, Sri D. Sayanna and (2) other ASWOs have approached the Hon'ble High Court and got stay orders on conducting the enquiry. In the meanwhile, Sri V. Sudhakar Rao, Joint Director and the Enquiry Officer O/o. Commissioner of Social Welfare expired on 11.03.2008. Sri D. Sayanna and Sri D. Chandraiah were retired from Government service on 30.6.2005 & 31.8.2007 respectively as ASWO & DSWO on attaining age of superannuation.

5. Sri D. Chandraiah, DSWO (Retired) & Sri D. Sayanna ASWO (Retired), filed O.As No.5984/2003 & 5920/2003 respectively in Hon'ble APAT requesting to quash the charges framed against them and also appointment of E.O. The Hon'ble APAT in its judgment dated 28.2.2005 in OA No.5984/2003 & 5920/2003 filed by the individual has issued orders dismissing the said O.As.

6. Aggrieved with the above orders of APAT, Hyd., Sri D. Chandraiah & Sri D. Sayanna, filed WPs No.5223/2005 & 5152/2005 in the Hon'ble APHC with a pray to suspend the charge memos framed against them and the appointment of E.O and also the judgment of the Hon'ble APAT in OA.No.5984/2003 & 5920/2003 dt.28.2.2005. Accordingly the High Court of Andhra Pradesh issued stay orders vide its order dated 21-04-2005 and 15-03-2005 respectively. The Commissioner of Social Welfare has filed counter and stay vacation petition in the month of January 2006. Finally the Hon'ble High Court in its orders dated 23.06.2010 in WP.No.5223/2005, issued orders stating that 'the judgment of the court dated 20.09.2007 passed in WP.No.19973/2007 and WP.MP.No.25762/2007, this writ petition is also dismissed".

7. In the reference 3rd read above, the Hon'ble High Court of AP in its order dated 20.07.2010 in Review WP.MP.No.21870 of 2010 in WP No.5223 of 2005 & Review WP MP No.21869 of 2010 in WP No.5152 of 2005 filed by Sri D. Chandraiah, DSWO (Retd) & Sri D. Sayanna, ASWO (Retd) have issued orders stating that;

"following the judgment of this court in WP.No.19973/2007, dt.20.09.2009, the present impugned order of the Tribunal dated 28.2.2005 in O.A. Nos.5984/2003 and 5920/2003 are set aside and consequently the Charge Memos issued to the petitioners dated 10.5.2002 are quashed on the ground of delay in initiating the enquiry proceedings, as it has prejudiced his cause, and accordingly the writ petition is allowed. No costs".

8. Based on the above Judgment of the Hon'ble High Court, the Hon'ble APAT in its interim order dated 18.3.2011 in the reference 5th read above in OA.No.1589/2011 & OA.No.1581/2011 filed by Sri D. Sayanna, ASWO (Retired) Warangal District & Sri D. Chandraiah, DSWO (Retired) respectively. The Hon'ble APAT has directed the respondents to release the terminal benefits including arrears of pension, gratuity computation of pension in favour of the applicant within (8) weeks from the date of receipt of copy of the order.

9. While the above mentioned orders were under examination, Sri D. Sayanna, ASWO (Retired) & Sri D. Chandraiah DSWO (Retired) has filed C.A No.694/2011 in OA.No.1589/2011 & C.A.No.695/2011 in OA.No.1581/2011 for not implementing the orders, dated 18.3.2011 in OA.Nos.1589/2011 & 1581/2011 of the Hon'ble APAT.

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10. Government, after careful examination of the matter in detail, keeping in view of the orders of the Hon'ble High Court of A.P dated 20.07.2010, in Review WP.MP.No.21870 of 2010 in WP No.5223 of 2005 & Review WP MP No.21869 of 2010 in WP No.5152 of 2005 and the orders of the Hon'ble APAT in OA.Nos.1589/2011 & 1581/2011 dated 18.3.2011 and hereby order to release all the retirement benefits to Sri D. Sayanna, ASWO (Retired) and Sri D. Chandraiah, DSWO (Retired) duly dropping further disciplinary action pending against the said officers.

11. The Commissioner of Social Welfare, A.P., Hyderabad is directed to take action accordingly and report compliance.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. RAYMOND PETER,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

Sri D. Sayanna, ASWO (Retired) Warangal District. (through CSW, A.P., Hyd.)

Sri D. Chandraiah, DSWO (Retired) Karimnagar District (through CSW, A.P., Hyd.)

The Commissioner of Social Welfare, A.P., Hyderabad (with a request to serve the copy of this order to the individual.

The Collector, Warangal District.

The Collector, Karimnagar District.

The Deputy Director (SW) (Warangal/Karimnagar).

Copy to :-

The Accountant General, A.P., Hyderabad.

The Deputy Accountant General (Pension) O/o. the A.G., A.P., Hyderabad.

The Pay & Accounts Officer, A.P., Hyderabad.

The P.S. to M (SW).

SC/Sf.

//FORWARDED :: BY ORDER//

SECTION OFFICER (FAC)